

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Jeffries

December 1, 2008

An act to add Section 40722 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, Jeffries. Natural gas engines: water-pumps. *movement: emissions limitation requirements.*

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would ~~prohibit air pollution control districts and air quality management districts from restricting the use of engines powered by natural gas by a city, county, or special district, including a water district, to operate water pumps~~ *require any requirement imposed by an air pollution control district, an air quality management district, or other local agency or local regulatory body relating to emissions limitations on, or imposing monitoring, testing, inspection, maintenance, or reporting requirements relating to emissions caused by, the use of a natural gas engine, as defined, to comply with prescribed requirements.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 40722 is added to the Health and Safety Code, to read:

~~40722. A district shall not restrict the use of engines powered by natural gas by a city, county, or special district, including a water district, to operate water pumps.~~

40722. (a) For purposes of this section, “natural gas engine” means a natural gas engine that meets both of the following requirements:

(1) Is used in the movement of any type of water, including, but not limited to, wastewater, sewage, or recycled water.

(2) Is owned, operated, or contracted for operation by a city, county, city and county, special district, including, but not limited to, a water district, or an urban water supplier, as defined in Section 10617 of the Water Code, or agricultural water supplier, as defined in Section 531 of the Water Code.

(b) Any requirement imposed by a district or other local agency or local regulatory body relating to emission limitations on, or imposing monitoring, testing, inspection, maintenance, or reporting requirements relating to emissions caused by, the use of a natural gas engine shall comply with all of the following requirements, as applicable:

(1) It shall not require an operator of the natural gas engine to conduct emissions testing for oxides of nitrogen (NO_x), carbon monoxide, or volatile organic compounds more than once for every 8,760 operating hours.

(2) It shall not require emissions testing of natural gas engines for NO_x, carbon monoxide, and oxygen by use of a portable NO_x, carbon monoxide, and oxygen analyzer.

(3) It shall not require the installation of a continuous emission monitoring system for a natural gas engine having a rating of less than 1000 brake horsepower, regardless of the location of the natural gas engine with respect to any other engine.

(4) It shall not require an operator of a natural gas engine to submit reports listing occurrences of breakdowns or malfunctions resulting in emissions in excess of applicable emission limits more than once per year.

1 (5) *It shall not require any natural gas engine to be removed*
2 *from service, replaced, or retrofitted within five years of the date*
3 *of the adoption of the requirement.*

4 (6) *If the requirement of the district, local agency, or local*
5 *regulatory body requires the operator of the natural gas engine*
6 *to submit an inspection and maintenance plan for purposes of*
7 *regulating emissions, the district, local agency, or local regulatory*
8 *body shall permit the operator to self-certify the plan in lieu of*
9 *requiring formal submission of the plan to, and approval of the*
10 *plan by, the district, local agency, or local regulatory body.*